IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

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C.W.P NO. 14113 OF 2006

Date of decision : September 11, 2006

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Vishal Jain .....Petitioner

Vs.

Panjab University & others .....Respondents

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CORAM: HON'BLE MR. JUSTICE VINEY MITTAL
HON'BLE MR. JUSTICE H.S BHALLA

Present: Mr. Rajesh Garg, Advocate for the petitioner(s).
Mr. Anupam Gupta, Advocate for the respondents.

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Viney Mittal, J. (Oral)

The petitioner has approached this Court challenging admission granted to respondent no.3-Sagaljot Kaur in B.Sc Chemistry Honours in NRI category. Further direction has been sought against respondents no. 1 & 2 to grant admission to the petitioner against the seat which would fall vacant on quashing of the admission of respondent no.3.

Sh. Anupam Gupta, learned counsel appearing for the respondent-University has produced before us the original record. On the basis of the aforesaid record, Sh. Gupta has contended that first counselling for grant of admission to the NRI seats had taken place on July 21, 2006. There were only five seats available in the aforesaid category in the B.Sc Chemistry Honours. The petitioner never turned up on the aforesaid date at

the time of counselling. Sh. Gupta has also produced before us the combined PCB/PCM/PCT/PCS, Markwise (Tentative) list of candidates in NRI Category prepared on July 21, 2006. In the aforesaid merit list, the petitioner Vishal Jain has been indicated at Serial No.122 having secured 102.50 marks. In these circumstances, Sh. Gupta has argued that in the merit list prepared on the aforesaid date i.e July 21, 2006, the petitioner was down below in the merit list and as such even if a seat had fallen vacant amongst the five selected candidates on the aforesaid date, the petitioner by any stretch of imagination could not have made up in the selection.

After taking into consideration the record produced by Sh. Gupta, we are satisfied that the petitioner is down below in the merit list and as such cannot be heard to make any grievance against the selection of respondent no.3. We also take note of the fact that respondent no.3 has scored much higher marks than the petitioner. Although she had not opted for NRI Category but on an option given to all candidates the said respondent had opted for NRI Category later on.

Dismissed.

(VINEY MITTAL)
JUDGE

September 11, 2006
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(H.S BHALLA)
JUDGE